

**NOMINATION REQUIREMENTS
PRESIDENTIAL CANDIDATES
FEBRUARY 5, 2008 PRESIDENTIAL PRIMARY**

Between September 8 and October 8, 2007 (E-150 to E-120), the Secretary of State announces the names of the candidates of the Republican, American Independent, Green, Libertarian, and Peace and Freedom Parties she has selected to appear on the February 2008 ballot for the office of President. §§ 6340-6342, 6520-6522, 6720-6724

Between September 8 and December 4, 2007 (E-150 to E-63), the Secretary of State announces the names of the candidates of the Democratic Party she has selected to appear on the February 2008 ballot for the office of President. §§ 6041-6043

Selection is based on any combination of several criteria, including but not limited to:

- Being generally recognized as seeking the office
- Qualifying for federal matching funds
- Appearing in public opinion polls, candidates' forums, debates, etc.
- Being on the ballot in other states' primaries
- Actively campaigning in California
- Having a campaign office in California

Candidates not selected by the Secretary of State may qualify by circulating petitions statewide to gather signatures of voters registered in their party.

- Democratic candidates must gather signatures in each of the state's 53 congressional districts, equal in number to 1% of the district's Democratic registration in the 154-Day Report of Registration preceding the presidential primary or 500, whichever is fewer. The period for circulating nomination petitions is October 8 to December 4, 2007 (E-120 to E-63). §§ 2187(a)(1), 6061, 6101, 6108, 6122
- Republican, American Independent, Green, Libertarian, and Peace and Freedom Party candidates must gather signatures equal in number to 1% of their party's statewide registration total in the 154-Day Report of Registration preceding the presidential primary; signatures may be gathered anywhere in the state. The period for circulating nomination petitions is October 24 to November 23, 2007 (E-104 to E-74).

§§ 2187(a)(1), 6343, 6360, 6365,
6382, 6568, 6569, 6581, 6586, 6587, 6591, 6725, 6781, 6786, 6787, 6791

By the 120th day before the election, the chairperson of each qualified party must notify the Secretary of State of the number of delegates to represent California at the party's national nominating convention. Prior to the presidential primary election, each Democratic and Republican candidate must file a slate of the requisite number of delegates for his/her party, selected according to the party's requirements. For the American Independent, Green, Libertarian, and Peace and Freedom Parties, each group of candidates for delegate must receive the endorsement of a candidate for the presidential nomination, which must be filed with the Secretary of State. §§ 6020, 6023, 6086, 6320, 6321, 6461,

6540, 6541, 6740, 6741, 6744, 6745, 6763, 6765

NOMINATION REQUIREMENTS
JUNE 3, 2008 STATEWIDE DIRECT PRIMARY
(Representative in Congress, Member of the State Legislature)

Nomination Documents --Declaration of Candidacy and Nomination Papers

All candidates for offices at the direct primary election must file a declaration of candidacy and nomination papers with the county elections official. Candidates may file a declaration of candidacy for only one office. A candidate shall not remove a declaration of candidacy form from the office of the elections official. The elections official shall require all candidates filing a declaration of candidacy to execute the declaration in the elections office. However, a candidate may submit a signed and dated written statement designating a person to receive a declaration of candidacy form from the county elections official for the candidate or for the county elections official to provide the candidate with a declaration of candidacy and nomination papers. These statements shall include language explaining that the candidate is aware that the declaration of candidacy and nomination papers must be properly executed and delivered to the county elections official of the county of the candidate's residence by 5 p.m. on March 7, 2008.

§§ 8020, 8028, 8041, 8060, 8101, 8105

Forms

Both the Secretary of State and the county elections official may provide the petition-in-lieu-of-filing-fee forms to a candidate. However, the petitions must be filed with the elections official of the county in which the petitions were circulated. The Secretary of State cannot accept petitions-in-lieu-of-filing-fee forms.

The declaration of candidacy shall be furnished by and returned to the county elections official of the candidate's county of residence, who shall forward it to the Secretary of State for filing. The nomination petition shall be furnished by the elections official of the candidate's county of residence and returned to the elections official of the county in which the signers reside and are voters.

At the time of issuing any candidate forms, the officer providing the form shall:

- 1) **type on the forms the name of the candidate and the office for which he/she is a candidate,**
- 2) **imprint a stamp on the form that reads "Official Filing Form," and**
- 3) **affix his/her signature on the form.**

The forms shall be distributed to all candidates applying for them upon the payment of the filing fee; however, signature-in-lieu petitions are available without first paying the filing fee. **All filing fees are nonrefundable.**

§§ 8101-8106

Party Affiliation of Candidates for Partisan Office

No candidate shall file a declaration of candidacy for a partisan office unless:

- (1) at the time of presentation of the declaration and continuously for not less than three months immediately prior to that time, or for as long as he/she has been eligible to register to vote in the state, the candidate is shown by his/her affidavit of registration to be affiliated with the political party whose nomination he/she seeks, and

- (2) within 12 months immediately prior to the filing of the declaration, the candidate has not been registered with a qualified political party other than that political party whose nomination he/she seeks. § 8001(a)

The county elections official shall attach a certificate to the declaration of candidacy showing the date on which the candidate registered as intending to affiliate with the political party whose nomination he/she seeks. The certificate shall also indicate that the candidate has not been affiliated with any other qualified political party for the 12-month period immediately preceding the filing of the declaration. § 8001(b)

This party affiliation requirement does not apply to candidates of political parties participating in their first direct primary election after their qualification as political parties. § 8001(b)

"Party" means a political organization that has qualified for participation in any primary election.

The parties qualified to participate in the February 5, 2008 Presidential Primary and the June 3, 2008 Statewide Direct Primary elections at the time this document was published are:

- (1) Democratic, (2) Republican, (3) American Independent, (4) Green, (5) Libertarian, and (6) Peace and Freedom. § 338

Petition in Lieu of Filing Fee

A candidate may submit a petition containing signatures of registered voters in lieu of paying the filing fee in order to run for office. The signatures submitted may cover all or a portion of the filing fee. Any registered voter who is a resident of the jurisdiction may sign an in-lieu filing fee petition for any candidate for whom he or she is eligible to vote. However, candidates using Elections Code §8106(a)(6) provisions are limited to signatures from members of their own parties. § 8106

The last day to submit the petitions in lieu of filing fee to the elections official of the county in which the petition was circulated is February 21, 2008 (E-103). No additional signatures may be filed after the filing date, but supplemental signatures may be filed to replace signatures in the original filing that were found to be invalid. That portion of the filing fee not covered by the signatures must be paid in full before the nomination documents may be filed. §§ 8105-8106

Petition in Lieu of Filing Fee and/or Nomination Paper

A candidate who submits a petition in lieu of filing fee **may request** that the county elections official count all valid signatures appearing on the petition toward the number of sponsor signatures required for the candidate's nomination paper provided the signers are registrants of the same party as the candidate. If the petition in lieu of filing fee contains the requisite number of valid signatures required for the nomination paper, the candidate is not required to circulate and file a nomination paper, but **may request** the county elections official to accept the petition in lieu of filing fee as a nomination paper. If the petition in lieu of filing fee does not contain the requisite number of valid signatures required for the nomination paper, the candidate may still circulate and file a nomination paper to be signed by qualified registered voters of his or her party during the nomination period. The candidate may request the county elections official to apply the number of valid signatures on the petition in lieu of filing fee toward, and combine them with, the valid number of signatures on the nomination paper to satisfy the signature requirement for the office. The nomination paper shall be delivered to the county elections official of the county in which the signer resides and is a voter. §§ 8020, 8040, 8041, 8061, 8062, 8063, 8106

NOTE: Even though the candidate has submitted sufficient valid signatures on petitions in lieu of filing fee to satisfy the nomination requirement, he/she must still file a declaration of candidacy during the nomination period.

Additional Filing Requirements

Under the provisions of Proposition 34 adopted by voters in November of 2000, all candidates for state legislative office may agree to abide by voluntary spending limits. Candidates for state legislative office who accept these voluntary spending limits will be afforded the opportunity to purchase space in the sample ballots of each of the counties in the jurisdiction for a 250-word candidate statement. The Form 501, “Candidate Intention Statement”, must be filed before receiving any campaign contributions.

Candidates may download all the latest campaign forms from the Fair Political Practices Commission’s website at <http://www.fppc.ca.gov>, or the Secretary of State’s website at <http://www.sos.ca.gov/prd/prd.htm>. Candidates may also call the Political Reform Division at (916) 653-6224.

Please contact the Fair Political Practices Commission at 1-866-ASK-FPPC (1-866-275-3772) for all applicable contribution and spending limits as well as the latest online filing requirements.